

---

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Lutheran Haven, Inc.'s property

**DEPARTMENT:** County Attorney's Office

**DIVISION:** Litigation

**AUTHORIZED BY:** Lola Pfeil

**CONTACT:** Sharon Sharrer

**EXT:**

**MOTION/RECOMMENDATION:**

Lutheran Haven, Inc.'s property. Approve proposed negotiated settlement relating to Parcel Number 7 on the Consumers/Lake Hayes Transmission Main Project. The proposed settlement is at the total sum of \$11,500.00 inclusive of all land value, severance damage, statutory interest, attorney's fees, and cost reimbursements. Judge Galluzzo.

District 1 Bob Dallari

---

**BACKGROUND:**

see attached

**STAFF RECOMMENDATION:**

Staff recommends the Board approve the proposed negotiated settlement relating to Parcel Number 7 on the Consumers/Lake Hayes Transmission Main Project. The proposed settlement is at the total sum of \$11,500.00 inclusive of all land value, severance damage, statutory interest, attorney's fees, and cost reimbursements.

**ATTACHMENTS:**

1. Lutheran Haven, Inc.'s property

<b>Additionally Reviewed By:</b> No additional reviews
---



COUNTY ATTORNEY'S OFFICE  
MEMORANDUM

To: Board of County Commissioners

Through: Matthew G. Minter, Deputy County Attorney *MGM*

From: Al Schwarz, Assistant County Attorney *ATS*  
Ext. 5736

Concur: Bob Briggs, Administrative Manager, Environmental Services *RB*  
Carol Hunter, P.E., Environmental Services *J. Dennis Whitely*

Date: October 15, 2007 *10/17/07*

Subject: Settlement Authorization  
Consumers/Lake Hayes Transmission Main Project  
Parcel No. 7  
Owners: Lutheran Haven, Inc.  
Seminole County v. Ratcliff, et al.  
Case No. 2005-CA-1559-13-L

This memorandum requests settlement authorization by the Board of County Commissioners (BCC) as to Parcel No. 7 on the Consumers/Lake Hayes Transmission Main Project. The recommended settlement is at the total sum of \$11,500.00 inclusive of all land value, severance damage, statutory interest, attorney's fees and cost reimbursements.

**I PROPERTY**

A. Location Data. Parcel No. 7 is located along the south side of Chapman Road, approximately 1/2 mile west of Aloma Avenue in Oviedo, Florida. A location map attached is Exhibit A and a parcel sketch as Exhibit B.

B. Street Address. The property is vacant and, therefore does not have an address assigned.

**II AUTHORITY TO ACQUIRE.**

The BCC adopted Resolution No. 2003-R-118 on July 22, 2003, authorizing the acquisition of Parcel No. 7 and finding that the Consumers/Lake Hayes project serves a public purpose and is in the best interests of the citizens of Seminole County. The

Order of Take occurred on November 7, 2005, with Seminole County receiving the right to permanently use Parcel No. 7 on November 16, 2005, the date of the good faith deposit.

### **III ACQUISITIONS AND REMAINDER**

Parcel No. 7 is a permanent, perpetual easement of 39,899 square feet. The parent tract consists of 1,742,400 square feet. The easement is a 30' wide strip of land that will be located within the boundaries of the existing 110' wide Florida Power & Light electric transmission line easement. The property in the after will remain 1,742,400 square feet encumbered by the 39,899 square foot easement.

### **IV APPRAISED VALUES**

A. County Report. An appraisal report was prepared by HDR Acquisition Services, Inc., and opined full compensation as of December 22, 2003, to be \$8,000.00. The update for the order of take opined full compensation to be \$10,000.00 as of September 1, 2005.

B. Owner's Report. The owner did not have an appraisal report prepared.

### **V BINDING WRITTEN OFFER/NEGOTIATION**

The BCC approved written offer was \$9,200.00. The negotiated settlement sum is a cost avoidance settlement.

### **VI ATTORNEY'S FEES AND COSTS**

The negotiated settlement at \$11,500.00 is inclusive of all attorney's fees and cost reimbursements.

### **VII RATIONALE AND COST CONTROL**

The proposed settlement is a cost control settlement. An appraisal report alone would cost in excess of \$5,000.00 and if prepared would expose the County to a greater land value.

Considering the increased exposure if the owner prepared a report and the cost containment of no costs to date, settlement at the inclusive sum is recommended.

## VIII RECOMMENDATION

County staff recommends that the BCC approve this settlement in the total amount of \$11,500.00 inclusive of land value, severance damage, statutory interest, attorney's fees and cost reimbursements.

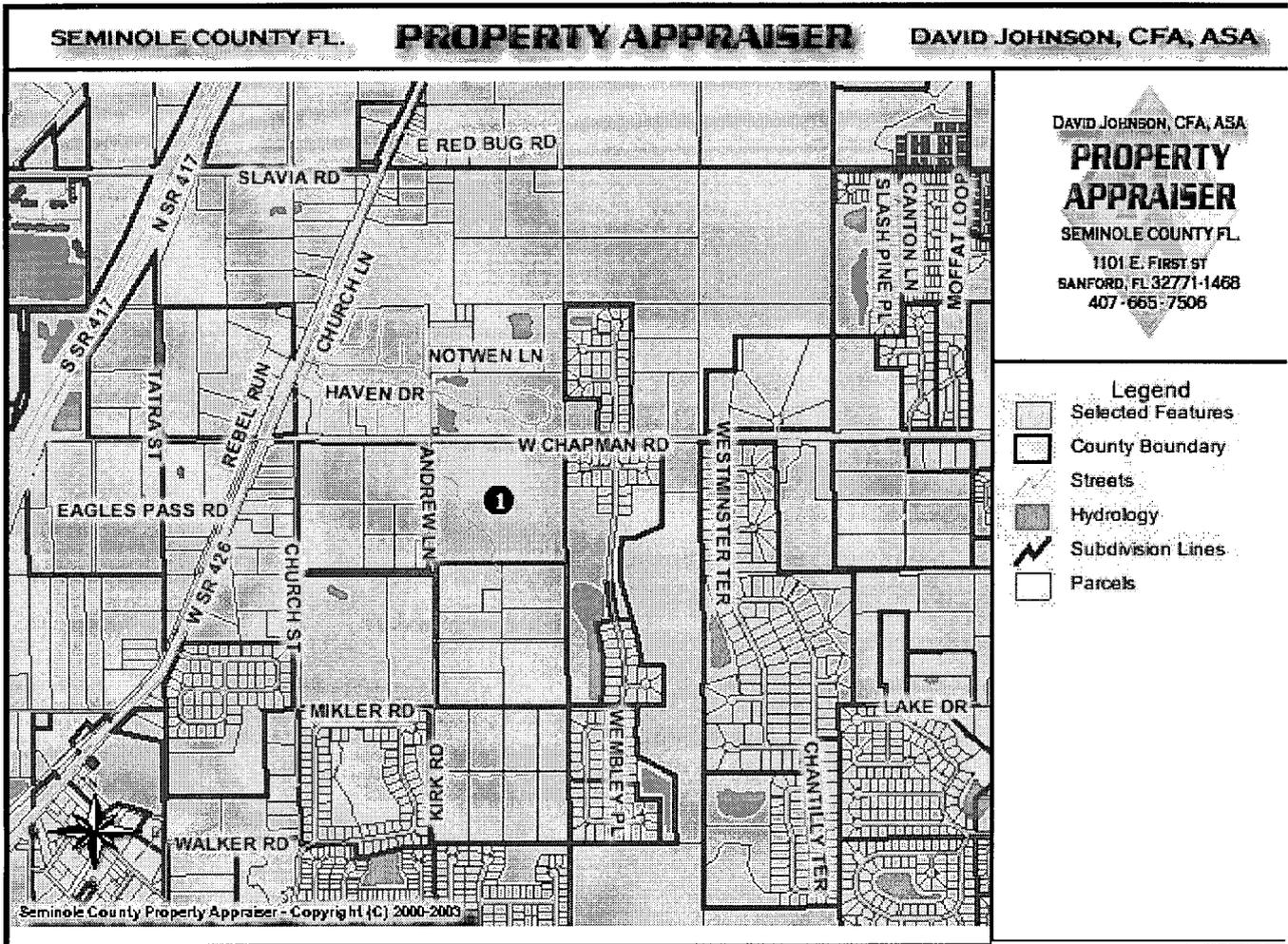
AHS/dre

Attachments

Exhibit A - Location map

Exhibit B – Parcel sketch

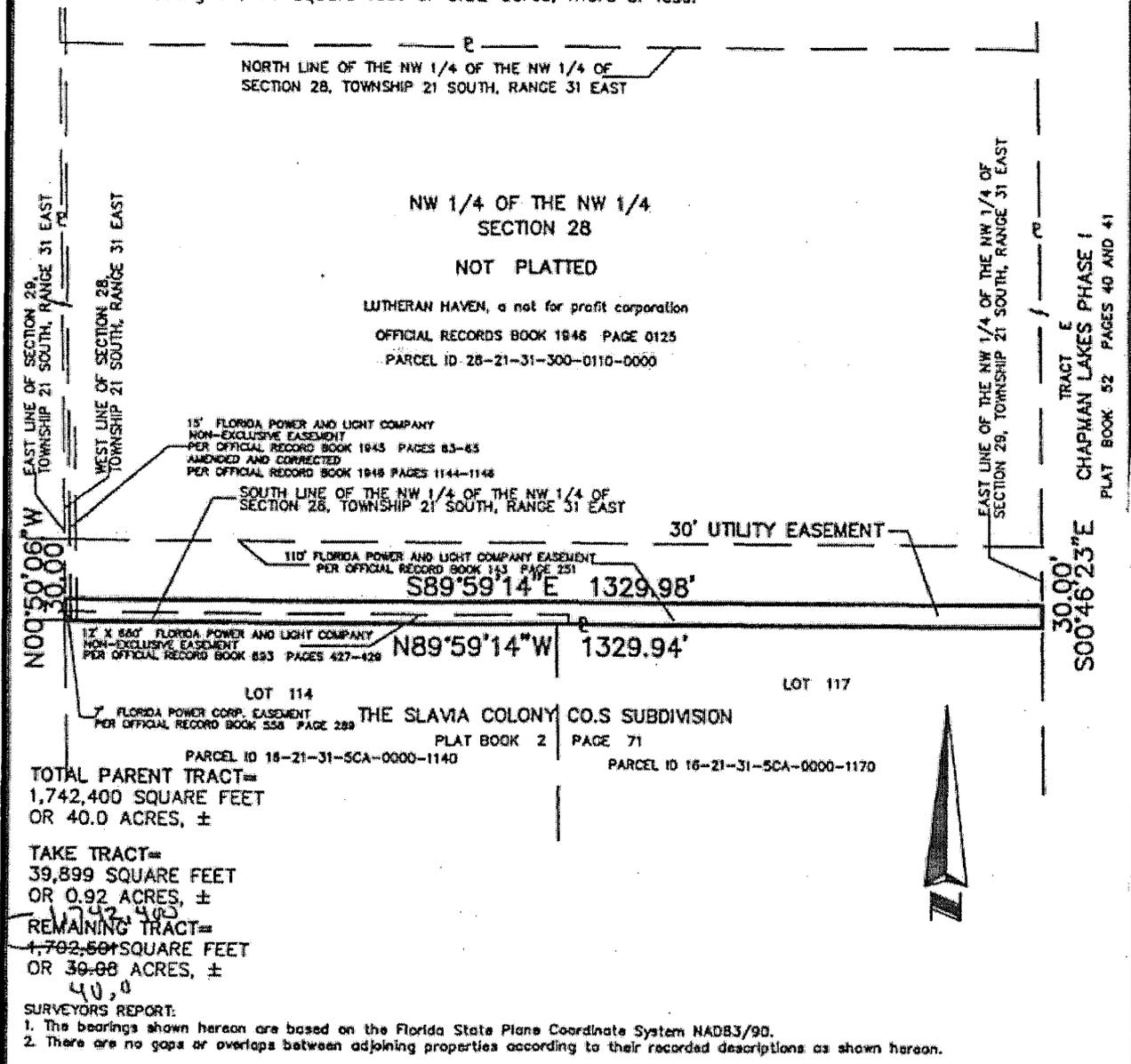
P:\Users\Dedge\My Documents\Mem\Agenda Item Lutheran Haven Consumer Lake Hayes.Doc



Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	28213130001100000	LUTHERAN HAVEN	2041 W STATE ROAD 426	OVIEDO	FL	32765

**LEGAL DESCRIPTION**

The South 30.00 feet of the NW 1/4 of the NW 1/4 of Section 28, Township 21 South, Range 31 East, Seminole County, Florida.  
Containing 39,899 square feet or 0.92 acres, more or less.



TOTAL PARENT TRACT=  
1,742,400 SQUARE FEET  
OR 40.0 ACRES, ±

TAKE TRACT=  
39,899 SQUARE FEET  
OR 0.92 ACRES, ±

REMAINING TRACT=  
1,702,501 SQUARE FEET  
OR 39.08 ACRES, ±

**SURVEYORS REPORT:**

1. The bearings shown hereon are based on the Florida State Plane Coordinate System NAD83/90.
2. There are no gaps or overlaps between adjoining properties according to their recorded descriptions as shown hereon.

<p><b>Legal Description</b></p> <p>FOR INWOOD CONSULTING ENGINEERS</p> <p>000003</p>	<p>Date: Jan. 30, 2002 CS</p>	<p>465930</p> <p>SOUTHEASTERN SURVEYING &amp; MAPPING COR 324 North Orlando Avenue Maitland, Florida 32751-4702 (407) 647-8898 CERT. NO. LB2108 e-mail: info@southeasternsurveying.com</p> <p><i>Gary B. Krick</i> GARY B. KRICK REGISTERED LAND SURVEYOR NO. 4243</p>
	<p>Job No.: 46593046</p> <p>Scale: 1" = 200'</p> <p>CH. 61G17-6, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.</p>	